

INFORMATION BULLETIN

WORKFORCE INVESTMENT ACT

Number: WIAB06-66

Date: June 19, 2007

Expiration Date: 6/30/08

50:07:kp:11080

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: UNIFORMED SERVICE EMPLOYMENT AND REEMPLOYMENT
RIGHTS ACT (USERRA)

The purpose of this information bulletin is to provide information, direction, and referral options on USERRA rights and responsibilities to Employment Development Department (EDD) staff and their partners.

The USERRA Act of 1994 is a law which establishes certain rights and benefits for employees and duties for employers. The USERRA affects employment, reemployment, and retention in employment, when employees serve or have served in the uniformed services. Uniformed services include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. The USERRA is administered by the U.S. Department of Labor Veterans' Employment and Training Service (DOL-VETS). The USERRA protects civilian job rights and benefits for veterans and members of reserve components, and also makes major improvements in protecting service member rights and benefits. It does this by clarifying the law, improving enforcement mechanisms, and adding federal government employees to those employees already eligible to receive Department of Labor assistance in processing claims.

Support for individuals requiring assistance with USERRA is primarily provided by the Employer Support of the Guard and Reserve (ESGR). The ESGR has Ombudsman representatives available from 8 a.m. to 5 p.m. EST., Monday through Friday at 1-800-336-4590 to assist employers or military members with employment issues and the law.

Employers' support and requirements under USERRA include proper notification of employee rights, benefits, and employer obligations. The USERRA rights poster is available at www.dol.gov/vets/programs/userra/USERRA_Private.pdf#Non-Federal and should be posted where employee notices are customarily placed. One-Stop offices are strongly encouraged to place posters in a common (client accessed) area.

An on-line introduction to the rules and regulations surrounding USERRA entitled "USERRA 101," has been developed by the National Veterans Training Institute and can be accessed at www.nvti.cudenver.edu/Userra101/login.aspx. The "USERRA 101" is an interactive on-line course designed for ESGR Ombudsmen and Veterans'

EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Special requests for services, aids, and/or special formats need to be made by calling (916) 654-8055 (Voice) or (916) 654-9820 (TTY).

Employment and Training Services employees. Additional information on USERRA can be found at www.dol.gov/vets/programs/userra/main.htm.

The role and responsibility of the EDD and its One-Stop partners is resource and referral for USERRA issues. Customers with USERRA concerns should be given a USERRA handout (attached) and referred to one or more of the following:

- Local ESGR representatives at esgr.org/contact.asp
- U.S. DOL's on-line Advisor at www.dol.gov/elaws/vets/userra/userra_1.asp
- California DOL-VETS office at (916) 654-8178

If you have questions or need additional information regarding the EDD's roles and responsibilities for processing USERRA issues, please contact Kent Kjelstrom at kkjelstr@edd.ca.gov, or by telephone at (916) 654-0858.

/S/ BOB HERMSMEIER
Chief
Workforce Services Division

Attachment

For More Information

For more information regarding USERRA and VETS' other programs and services, visit our website at: www.dol.gov/vets

Veterans' Employment and Training Service

U.S. Department of Labor
200 Constitution Avenue, NW, Room S-1325
Washington, DC 20210

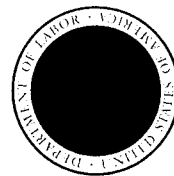
Veterans' Employment and Training Service
U.S. Department of Labor
200 Constitution Avenue, NW, Room S-1325
Washington, DC 20210



The mission of the Veterans' Employment and Training Service (VETS) is to provide veterans and transitioning service members with the resources and services to succeed in the 21st century workforce by maximizing their employment opportunities, protecting their employment rights, and by meeting labor-market demands with qualified veterans.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

Veterans' Employment and Training Service
U.S. Department of Labor



ATTACHMENT

What is "USERRA"?

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, or the Act), signed into law on October 13, 1994, clarifies and strengthens the Veterans' Reemployment Rights (VRR) Statute. USERRA is intended to minimize the disadvantages to an individual that can occur when that person needs to be absent from his or her civilian employment in order to serve in the uniformed services.

USERRA makes major improvements in protecting service member rights and benefits by clarifying the law and improving enforcement mechanisms. It also provides employees with Department of Labor assistance in processing claims. USERRA expands the cumulative length of time that an individual may be absent from work for uniformed services duty and retain reemployment rights.

What is VETS' role in USERRA?

USERRA is administered by the U.S. Department of Labor, Veterans' Employment and Training Service (VETS). VETS provides assistance to persons experiencing problems with their civilian employment related to military service or status and provides information about USERRA to employers.

Who is eligible for USERRA?

USERRA potentially covers every individual in the country who serves in or has served in the uniformed services and applies to all employers in the public and private sectors including Federal employers. The law seeks to ensure that those who serve their country can retain their civilian employment and benefits, and can seek employment free from discrimination because of their service. USERRA provides enhanced protection for disabled veterans, requiring employers to make reasonable efforts to accommodate the disability.

What is the USERRA Advisor?

The USERRA Advisor is an on-line, interactive resource that provides information about the Act. Developed by VETS, the Advisor has been designed to answer some of the most common questions about the law. The Advisor helps veterans to understand employee eligibility and job entitlements, employer obligations, benefits and remedies under the Act. The USERRA Advisor takes the user through a series of questions to assist in understanding how the Act might apply to the user's situation, and to provide detailed information that may be useful, such as links to regulatory text, publications and organizations. The USERRA Advisor may be accessed through the DOL website at www.dol.gov/elaws/vets/userra.

VETS' Assistance Under USERRA

USERRA provides that the Secretary of Labor through VETS, will open cases on behalf of persons filing complaints against private employers, State or local governments or Federal agencies. Cases can involve a variety of issues such as refusal to reinstate employees following a period of military service, employment discrimination based on military service or obligations, layoffs because of military service, and refusal to hire or discharge of persons because of military service. VETS' mediation services can assist in resolving claims and recovering lost wages and benefits.

How to Obtain Assistance with USERRA Through VETS

Persons who believe they have a claim under USERRA can use VETS' "USERRA Advisor" available on-line. Through this interactive questionnaire, users can make an initial determination regarding eligibility for a claim under USERRA and can gather more information about the Act. USERRA claim forms can be obtained through the VETS website. Claimants are encouraged to contact the nearest VETS office for additional assistance in completing the form and for more detailed instructions.

